

### **REMARKS**

Applicants greatly appreciate the examination of the present application as evidenced by the Office Action dated July 11, 2008 (hereinafter, the "Office Action"). Applicants further appreciate the indication that Claims 1, 2, 5-7, 12, 16-20, 24-26, 30-32, 38-55, 57, 58, 63-76 and 81-85 are allowed. Applicants respectfully submit the following remarks in support of the patentability of pending Claims 1, 2, 5-7, 13, 16-20, 24-26, 30-32, 38-55, 57, 58, 63-70, 81-87 and 88-90.

More specifically, the Office Action indicates that Claims 86 and 87 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Office Action states, "Some of the formulae are too light to be understood." Office Action, page 2. Applicants have canceled Claims 85-87<sup>1</sup>, without prejudice, for the purpose of rewriting these claims as new Claims 88-90 with each of the chemical structures shown in enlarged form with longer, clearer bonds, and larger font sizes than previously presented. Applicants respectfully submit that no new matter is added by the introduction of these new claims.

The Office Action also states, "[A]pplicants should present the number of each compound in explanatory text (not within the claim)." Office Action, page 2. Applicants provide the following reference numbers or location in the specification for the compounds presented in Claims 88-90.

**Claim 88:** ER-806914.

**Claim 89:** ER-805322; ER-805323; ER-805748; ER-805750; ER-805753; ER-806700; ER-806706; ER-806785; ER-806786; ER-806788; ER-806859; ER-806913; ER-806915; ER-806916; ER-806990; ER-807005; ER-807007; ER-807048; ER-807049; ER-807050; ER-807051; ER-807063; ER-807064; ER-807072; ER-807106; ER-807107; ER-807124; ER-807149; ER-807150; ER-807151; ER-807152; ER-807153; ER-807154; ER-807155; ER-807162; ER-807163; ER-807165; ER-807167; ER-807181; ER-807189; ER-807190; ER-807191; ER-807207; ER-807220; ER-807221; ER-807224; ER-807241; ER-807268; ER-807325; ER-807359; ER-807395; ER-807396; ER-807415; ER-807416; ER-807446; ER-807455; ER-807456; page 105, second table, Col. 1, compound 1; page 105,

---

<sup>1</sup>Although Claim 85 has not been subject to a rejection under 35 U.S.C. §112, second paragraph, Applicants resubmit the structure presented therein for purposes of clarity for the record.

In Re: AgoulNIK  
Serial No.: 10/501,120  
Filed: December 20, 2004  
Page 26 of 26

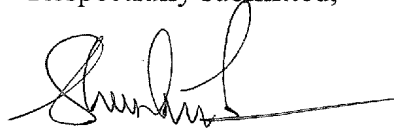
second table, Col. 1, compound 2; page 105, second table, Col. 1, compound 3; page 105, second table, Col. 2, compound 1; and page 105, second table, Col. 2, compound 2.

**Claim 90:** ER-807446; ER-807456; ER-807221; and ER-807396.

At least in view of the foregoing, Applicants respectfully submit that Claims 89 and 90, corresponding to original Claims 86 and 87, respectively, comply with the requirements of 35 U.S.C. §112, second paragraph, and Applicants request that the rejection of the claims under this section be withdrawn.

Accordingly, Applicants respectfully submit that pending Claims 1, 2, 5-7, 13, 16-20, 24-26, 30-32, 38-55, 57, 58, 63-70, 81-84 and 88-90 are patentable and that the present application is in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Should the Examiner have any further matters outstanding of resolution, the Examiner is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

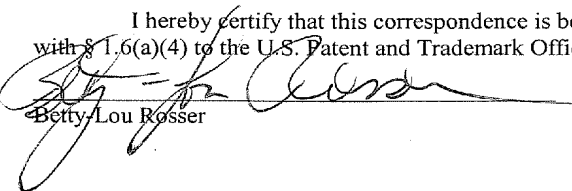


Shawna Cannon Lemon  
Registration No. 53,888  
Attorney for Applicants

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428, Raleigh, NC 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on September 16, 2008.



Betty-Lou Rosser